

REMARKS

Claims 1-9 pending in this application. By this Amendment, the specification, abstract and claims 1-9 are amended without the introduction of new matter.

I. Objections to the Specification

The Office Action objects to the abstract and the specification because of the references to "a tubes." To overcome this rejection, Applicants provide an amended specification in which corrections of grammar associated with the use of the term "tube" have been made. Applicants respectfully submit that these corrections address the objections identified in the Office Action.

II. Rejection under 35 U.S.C. §112

The Office Action rejects claims 1-9 under 35 U.S.C. §112, first and second paragraphs. Applicants respectfully traverse these rejections.

To overcome the rejections of claims 1-9 under 35 U.S.C. §112, first and second paragraph, Applicants have made the following clarifying amendments to the claims: (1) amended "A multi-partitioned tubes of a synthetic resin tubular container" to "A multi-partitioned body of a synthetic resin tubular container;" and (2) amended "the ring" to "the ring cross-section." To overcome the rejections of claims 2-3 and 6-9 35 under U.S.C. §112, second paragraph, Applicants have made the following clarifying amendments to the claims: (1) amended "highly compatible with each other" to "highly compatible to the extent that the two layers are adhered to each other;" and (2) amended "scarcely compatible with each other" to "compatible to the extent that the two layers are peeled from each other." Applicants respectfully submit that in view of these clarifying amendments to claims 1-9, the rejections of these claims under 35 U.S.C. §112, first and second paragraphs, should be withdrawn.

III. Rejections under 35 U.S.C. §102

The Office Action rejects claims 1-2 under 35 U.S.C. §102(e) over Mita et al. (U.S. Patent No. 7,044,334); rejects claims 1-2 under 35 U.S.C. §102(b) over Iwatsubo (U.S. Patent No. 6,959,840); rejects claims 1-9 under 35 U.S.C. §102(e) over Yamamoto et al. (U.S. Patent No. 6,332,726); rejects claims 1-2 under 35 U.S.C. §102(b) over O'Reilly et al. (U.S. Patent No. 5,373,966); and rejects claims 1-2 under 35 U.S.C. §102(b) over Kushida et al. (U.S. Patent No. 3,936,334). Applicants respectfully traverse these rejections.

Amended independent claim 1 recites the feature of a multi-partitioned body of a synthetic tubular container having an inner layer that breaks away from the outer layer to form a partition wall or walls that enable inner space to be divided into compartments which can be filled with each of different contents separately. None of the cited references teach the recited feature of a "partition wall or walls that enable inner space to be divided into compartments which can be filled with each of different contents separately." The Office Action does not assert that this feature is taught in any of the cited references.

The Mita et al., Iwatsubo, and Yamamoto et al. references teach containers having a outer shell and a gas-permeable inner layer filled with a single material such as a hair dye. When the single material is dispensed, a space between the outer shell and inner layer is progressively formed and filled with gas comprising outside air that flows into the outer shell through an opening and gas that permeates from inside and through the inner layer. The Kushida et al reference teaches a container having an outer shell and an inner layer filled with a single material such as toothpaste. When the single material is dispensed, a space between the outer shell and inner layer is progressively formed and filled with gas comprising outside air that flows into the outer shell through an opening. These references teach tubes that have resilient outer shells and collapsible inner layers for use in dispensing a single material.

These references do not teach a tubular container divided into compartments which can be filled with each of different contents separately.

The O'Reilly et al. reference teaches a rectangular container for dispensing a single material such as shampoo. This reference does not disclose a tubular container divided into compartments which can be filled with each of different contents separately.

Unlike the claimed embodiments in the present application, none of the cited references teach a multi-partitioned tubular container having compartments into which different types of contents can be separately filled at a fixed ratio; and from which different types of contents can be subsequently discharged at a fixed ratio. Because none of the cited references teach a tubular container divided into compartments which can be filled with each of different contents separately, Applicants respectfully submit that the rejections of claim 1 under 35 U.S.C. §102 must be withdrawn.

Applicants further submit that dependent amended claims 2-9 are allowable because of the dependency of these claims to allowable independent amended claim 1, as well as the additional features these claims recite.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Clean Copy of Specification
Marked-Up Copy of Specification

Date: October 27, 2006

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